

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SONYA BRADLEY,

Plaintiff,

v.

STEVE ARWOOD, et al.,

Defendant.

Case No. 14-cv-12303

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
R. STEVEN WHALEN

**ORDER DENYING DEFENDANTS' MOTION TO STRIKE AMENDED
COMPLAINT [32], AND CANCELLING JUNE 30, 2015 HEARING**

Plaintiff filed an Amended Complaint on May 11, 2015. *See* Dkt. No. 31. Ten days later, on May 21, 2015, the Defendants filed a Motion to Strike Plaintiff's Second Amended Complaint. *See* Dkt. No. 32. The Plaintiff has not filed a Response to the Defendants' Motion and, pursuant to the local rules, the time for doing so has expired. *See* E.D. Mich. L.R. 7.1(e)(1)(B). Nonetheless, despite the Plaintiff's failure to file a Response, the Court will still **DENY** the Defendants' Motion to Strike [32].

In the Motion to Strike, the Defendants request that this Court strike Plaintiff's Amended Complaint for failing to adhere to Rule 15 of the Federal Rules of Civil Procedure. *See id.* at 5-7. Specifically, the Defendants contend that the Amended Complaint should be stricken because it was filed "without the consent of the other parties or leave of the Court[.]" *Id.* at 6; *see also id.* at 6-7 (citing Fed. R. Civ. P. 15(a)(2), which states that "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.")).

However, the Defendants are mistaken in their assertion that the the Amended Complaint was filed without the leave of Court. Indeed, in the Amended Scheduling Order that was entered on February 19, 2015, the Court instructed the parties that Amended Pleadings were to be due on May 11, 2015. *See* Dkt. No. 29 at 1. Because the Plaintiff timely filed the Amended Complaint pursuant to the Amended Scheduling Order, the Court will not strike the Amended Complaint.

For the reasons discussed, the Court **HEREBY DENIES** Defendants' Motion to Strike Amended Complaint [32], and **CANCELS** the hearing set for June 30, 2015 at 11:00 AM.

SO ORDERED.

Dated: June 11, 2015

/s/Gershwin A Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge